(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 619 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. D. Padiyar, advocate for the petitioners.

Shri M. S. Sonak with Ms. Pooja Bharne, advocates for the respondent nos.1 and 2.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 5th February, 2004

P.C.:

The Order impugned is dated 26th June, 2003, by which the Administrative Tribunal, Goa, has refused to condone the delay in filing the appeal by the petitioners. The appeal was preferred challenging the Order of the Rent Controller dated 9th April, 2002. There has been a delay of three months in preferring the Appeal. The case made out by the petitioners before the Administrative Tribunal was that one of the applicants, i.e. applicant no.3, was suffering from cancer and, therefore, it was not possible for

the petitioners to pursue their legal remedies with due diligence. The Administrative Tribunal has disbelieved this, although the fact that the applicant no.3 was suffering from cancer is undisputed.

2. Despite the vehement opposition of the respondents for condoning the delay in hearing the appeal, I am of the view that a sufficient cause has been made out by the petitioners for condoning the delay. However, the petitioners shall pay costs as a condition precedent to the respondents quantified at Rs.2,000/- (rupees two thousand only). The Order of the Administrative Tribunal is set aside, the appeal be registered before the Administrative Tribunal. The Administrative Tribunal will endeavour to complete the hearing of the appeal within six months from today. Petition disposed of.

SMT. NISHITA MHATRE, J.